

REMARKS

The present response is to the Office Action mailed in the above-referenced case on March 19, 2008. Claims 31, 35 and 37-38 stand rejected under 35 USC 102(e) as anticipated by Dickie, US Publication 2003/0041206, hereinafter Dickie. Claims 20-30 stand rejected over Dickie in view of Wurzburg, US 7086583, hereinafter Wurzburg.

In reviewing the action and the examiners' comments and reasoning, and the examiner's Response to the Applicant's arguments, the applicant is again struck by the broad nature of the references applied and the manner in which the claims are rejected. It is quite clear to the applicant that the apparatus and functions taught in the references applied are far from the nature of the present invention, as claimed. On the other hand the applicant notes that the claims may still be too broad as well, and this may be the reason for the examiner's still broad interpretation and application.

Accordingly the applicant has drastically amended independent claims 20 and 31, some depended claims as well, and has cancelled several claims, to focus the examination far more narrowly, to try to get to a resolution of the differences, and to avoid having the claims read on references like those the examiner has applied.

Claim 20 as amended now recites:

20. (Currently amended) A system for programming a microprocessor-controlled device having a set of mechanical functions that are started and stopped by a time-of-day (TOD), comprising:

an interactive interface presented on a display of a computer appliance enabling a user to select through the interactive display individual ones of the set of mechanical functions of the microprocessor-controlled device, and to select specific TOD for starting or stopping the mechanical functions selected;

wherein the computer appliance saves the TOD selected for each mechanical function selected, in a form compatible with and recognizable by the microprocessor-controlled device, to be transferred to the microprocessor-controlled device.

Claim 31 now recites:

31. (Currently amended) A method for programming a microprocessor-controlled device having a ~~limited~~ set of mechanical functions that are started and stopped by a time-of-day (TOD), comprising the steps of:

(a) selecting through an interactive display presented by a computer program specific to the microprocessor-controlled device on a monitor screen of a computer appliance, individual ones of the ~~limited~~ set of mechanical functions of the microprocessor-controlled device;

selecting for the individual functions ~~selected~~ specific times TOD for ~~initiating~~ starting and stopping the mechanical functions; and

~~providing the selected functions and times for initiation as output information to be transferred to the microprocessor-controlled device~~ saving the TOD for each selected mechanical function selected in a form compatible with and recognizable by the microprocessor-controlled device, to be transferred to the microprocessor-controlled device.

The applicant urges the examiner to note that the functions are now recited as physical functions that are started and stopped by a time-of-day. Physical functions are functions that have some physical phenomenon, such as opening or closing a switch. So the reference teaching setting time for a meeting may no longer apply. Further the examiner in his rejections equates functions to applications, such as email and scheduling applications, which are not functions at all, in the sense of the invention as claimed.

As the claims are amended the rejections are moot, and claims 20 and 31 are clearly patentable over the art cited and applied, taken either singly or in combination. Claims 21 and 28 and 32 and 39 are patentable at least as depended from a patentable claim. The applicant therefore respectfully requests that the claims be allowed and that this case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby

requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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